

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR ADAMS COUNTY)

Case No. 01S00-1406-MS- 421

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Adams Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Adams Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR01-AR01-1 and LR01-CR2.2-01 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR01-AR01-1 and LR01-CR2.2-01 for Adams Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective July 1, 2014. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Chad E. Kukelhan, Adams Circuit Court, 122 South Third Street, P.O. Box 610, Decatur, IN 46733-0610; the Hon. Patrick R. Miller, Adams Superior Court, 122 South Third Street, P.O. Box 569, Decatur, IN 46733-0569; to the Clerk of the Adams Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Adams Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on June 25, 2014.


Brent E. Dickson
Chief Justice of Indiana

(A) CRIMINAL, INFRACTION AND ORDINANCE VIOLATION CASES

Criminal Cases shall be filed pursuant to LR01-CR2.2-01 et seq. All infraction and ordinance violation cases shall be assigned to the Adams Superior Court.

(B) PROBATE AND RELATED CASES

All Estate, Guardianship, Adoption and Trust cases shall be assigned to the Adams Circuit Court.

(C) JUVENILE CASES

All juvenile cases, including paternity cases, shall be assigned to the Adams Circuit Court.

(D) SMALL CLAIMS CASES

All small claims cases shall be filed in the Adams Superior Court.

(E) PROTECTIVE ORDER CASES

If a Dissolution of Marriage is pending or has been granted to the parties or if a paternity action has been filed or has been determined and subsequently one of the parties petitions for a protective order against the other party, said protective order shall be assigned to the Court which originally addressed the dissolution or paternity. When a Protective Order has been granted in one of the Courts and a subsequent Petition for Dissolution is filed in the other Court after the Order of Protection has been granted such that it is not clear pursuant to I.C. 34-26-5-6(4) which Court should receive the case, for reasons of judicial economy it being probable that the Court that heard the Order of Protection case has heard substantial matters pertaining to Provisional matters, the Court which heard the Protective Order will then become the preferred venue, and the subsequently filed Petition for Dissolution will be transferred to the Court that originally heard the Protection Order proceeding without further costs charged. The purpose of this policy is to assure that the same Court which has determined custody and visitation will also determine the terms of the protective order so that visitation can be assured while simultaneously the appropriate parties are protected. It is the expressed desire of the Court to eliminate duplication and confusion in regards to multiple orders for various purposes involving the same parties.

(F) CIVIL CASE TYPES PL, MF, CC, CT, DR, RS, MH, MI

Cases other than those mentioned in the preceding paragraphs may be filed in either the Adams Circuit Court or the Adams Superior Court, at the discretion of the filing party. However, nothing in this rule shall prohibit a judge of said Court from transferring a case from that Court to the other as allowed by statute, or rule of trial procedure, or to ensure an even distribution of judicial workload between the courts of record in the county.

On or before May 1 of each year the Judge of the Adams Circuit Court and the Judge of the Adams Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration for the preceding calendar year. The utilization of the two Courts shall be compared and if the utilization variance is within 0.25 of one another, it shall be presumed that no action is necessary to reduce the disparity. If the utilization variance between the courts is more than 0.40 in a calendar year or more than 0.25 for two consecutive years, it will be presumed that the disparity must be reduced, unless the judges agree otherwise after discussing and evaluating the various relevant factors.

(G) REFILED CASES

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

LR01-CR2.2-01 --CASE ASSIGNMENT

(A) For crimes committed on or before June 30, 2014:

(1) All Misdemeanors and Class D Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is a Class D Felony or a Misdemeanor shall be assigned to Adams Superior Court.

(2) All Felonies except D Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is greater than a Class D Felony shall be assigned to Adams Circuit Court. For example, if any felony greater than a Class D Felony is filed it shall be assigned to Adams Circuit Court along with any additional criminal charges regardless of whether or not those additional criminal charges are Class A Misdemeanors or Class D Felonies.

(B) For crimes committed on or after July 1, 2014:

(1) All Misdemeanors and Level 6 Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is a Level 6 Felony or a Misdemeanor shall be assigned to Adams Superior Court.

(2) All Felonies except Level 6 Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is greater than a Level 6 Felony shall be assigned to Adams Circuit Court. For example, if any felony greater than a Level 6 Felony is filed it shall be assigned to Adams Circuit Court along with any additional criminal charges regardless of whether or not those additional criminal charges are Class A Misdemeanors or Level 6 Felonies.

(C) Criminal Non-Support: All cases involving allegations of criminal non-support shall be assigned to the Court which had original jurisdiction of any filing of a Petition for Dissolution of Marriage, Dissolution Decree, Paternity Determination, or similar case filed. It is the objective of this provision to eliminate two Courts addressing the same party and related issues. If no prior case has been filed, such cases shall be filed in accordance with the rules previously set forth

(D) Invasion of Privacy: Invasion of privacy cases involving an allegation of a violation of an order (protective, no contact, workplace violence) that was issued by the Adams Circuit Court or the Adams Superior Court shall be filed in the Court that issued the order.

(E) Pending Cases: Where there is a higher level felony case filed or to be filed and there is one or more Class D Felony, Level 6 Felony or Misdemeanor case(s) in Superior Court, the Superior Court Class D Felony, Level 6 Felony or misdemeanor case(s) shall be transferred to the Circuit Court following filing of the Class A-B-C Felony or Level 1-2-3-4-5 Felony in Circuit Court.